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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,615	11/21/2003	Ronald Hauf	HAUF-2	3140
20151	7590	06/23/2006	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			MCLOUD, RENATA D	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6/1

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/719,615	HAUF, RONALD	
	Examiner	Art Unit	
	Renata McCloud	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 21 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/21/03</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: something along the lines of "Drive circuit for immediately braking a motor during a malfunction" or "Drive circuit for braking a motor during a malfunction".

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "armature short-circuit brake" and the "memory" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 1 objected to because of the following informalities: the limitation "the absence" has not been previously positively recited in the claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "inherent" in claims 1 and 5 is used by the claim to mean "known" or "determined", while the accepted meaning is "the nature of something though not readily apparent", or "occurring by nature". The term is indefinite because the specification does not clearly redefine the term.

(b) The limitation "inherent" in claims 1 and 5 is indefinite because it is unclear if applicant is claiming that the second delay time is "by nature" longer than the first delay time, as

in, it cannot be any other way; or if applicant is reciting that the second delay time is longer than the first delay time.

(c) Claims 4 and 8 recite the limitation "the environment". There is insufficient antecedent basis for this limitation in the claims

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (US5333706) in view of Yamada et al (US 6213571) and further in view of Shin et al (US 6531839).

**Claims 1 and 5:** Mori teaches a drive system with an electric motor, comprising an integrated armature short-circuit brake having a first inherent delay time, a mechanical brake having a second inherent delay time, and a controller applying a control signal to the integrated armature short circuit brake and the mechanical brake at an activation time for immediately stopping the electric motor in the absence of a controllable slow-down of the electric motor (col. 2:15-27), wherein the armature short-circuit brake is disengaged when a load limit for the electric motor or the controller has been reached (col. 4:60-68, overspeed condition). They do not teach the load being a thermal load or the first delay time being shorter than the second delay time. Yamada et al teach an electric motor, comprising an integrated armature short-circuit brake having a first inherent delay time, a mechanical brake having a second inherent delay time (col. 1:50-56, 2:28-55), wherein the armature short-circuit brake is disengaged when

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a thermal load limit for the electric motor or the controller has been reached (col. 1:56-65, current). Shin et al teach that it is well known in the art that mechanical braking has a longer delay time than electrical/short-circuit braking (col. 1:39-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus taught by Mori to use measure a thermal load limit as taught by Yamada et al and to have delay times as taught by Shin et al in order to safely control the braking of the motor and since it is well known in the art that mechanical braking has a longer delay than short circuit braking.

**Claims 2 and 6:** Yamada et al teach the thermal load limit is defined by at least one parameter selected from the group consisting of a maximum current, a product of a current and a reaction time, a reaction time and a system temperature (col. 1:56-65, current).

**Claims 3 and 7:** Yamada et al teach the at least one parameter is stored in a memory of the controller (col. 3:7-19). Mori et al teach also teach storing a parameter in a memory of the controller (col. 3:55-57).

**Claims 4 and 8:** Mori teaches the short circuit brake remains engaged ~~if~~ a danger is detected (col. 2:28-36). Yamada et al also teach the short circuit brake remains engaged ~~if~~ a danger is detected (col. 12:1-19).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (571) 272-2069. The examiner can normally be reached on Mon.- Fri. from 5:30 am - 2pm.

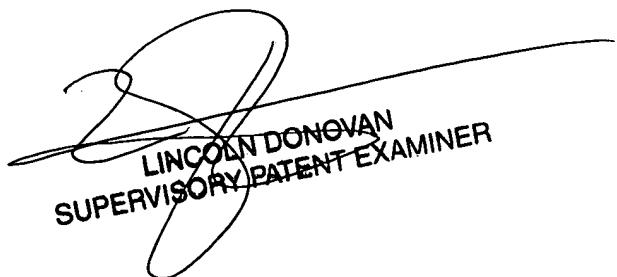
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Renata McCloud  
Examiner  
Art Unit 2837

RDM



LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER